

1-1 By: Carona S.B. No. 569
1-2 (In the Senate - Filed February 14, 2013; February 20, 2013,
1-3 read first time and referred to Committee on Business and Commerce;
1-4 March 18, 2013, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 8, Nays 0; March 18, 2013,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

1-8	Yea	Nay	Absent	PNV
1-9	Carona	X		
1-10	Taylor	X		
1-11	Eltife	X		
1-12	Estes		X	
1-13	Hancock	X		
1-14	Lucio	X		
1-15	Van de Putte	X		
1-16	Watson	X		
1-17	Whitmire	X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 569 By: Carona

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to the examination requirements for an insurance adjuster
1-22 license.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 4101.056, Insurance Code, is amended to
1-25 read as follows:

1-26 Sec. 4101.056. EXEMPTION FROM EXAMINATION REQUIREMENT. (a)
1-27 An applicant for a license under this chapter is not required to
1-28 pass an examination under Section 4101.054 to receive the license
1-29 if the applicant:

1-30 (1) had been principally engaged in the investigation,
1-31 adjustment, or supervision of losses on August 27, 1973, and during
1-32 the 90-day period preceding that date;

1-33 (2) is applying for a renewal license under this
1-34 chapter;

1-35 (3) is licensed as an adjuster in another state with
1-36 which a reciprocal agreement has been entered into by the
1-37 commissioner; or

1-38 (4) has completed a course in adjusting losses as
1-39 prescribed and approved by the commissioner and it is certified, by
1-40 a form signed by a person described by Subsection (b)(2), to the
1-41 commissioner on completion of the course that the applicant has:

1-42 (A) completed the course; and

1-43 (B) passed an examination, in a manner described
1-44 by Subsection (b)(2), testing the applicant's knowledge and
1-45 qualification, as prescribed by the commissioner.

1-46 (b) An applicant wishing to claim an exemption under
1-47 Subsection (a)(4) must:

1-48 (1) schedule the required examination; and

1-49 (2) take the required examination in a testing
1-50 environment that is controlled, supervised, and proctored by a
1-51 disinterested third party approved by the commissioner to
1-52 administer the examination ~~[is responsible for the scheduling and~~
1-53 ~~administration of the examination required under that subsection].~~

1-54 (c) In this section, "disinterested third party" means an
1-55 individual who:

1-56 (1) is not related to an applicant by consanguinity or
1-57 affinity as a first cousin or within the third degree by
1-58 consanguinity or affinity as described by Subchapter B, Chapter
1-59 573, Government Code; and

1-60 (2) is not an employee or a subordinate of the

2-1 applicant.

2-2 SECTION 2. The change in law made by this Act applies to a
2-3 license application submitted on or after the effective date of
2-4 this Act. A license application submitted before the effective
2-5 date of this Act is governed by the law applicable to the
2-6 application immediately before that date, and that law is continued
2-7 in effect for that purpose.

2-8 SECTION 3. This Act takes effect immediately if it receives
2-9 a vote of two-thirds of all the members elected to each house, as
2-10 provided by Section 39, Article III, Texas Constitution. If this
2-11 Act does not receive the vote necessary for immediate effect, this
2-12 Act takes effect September 1, 2013.

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